

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Athena Vlachos,	)	Case No.: CV 24-4383-JFW (AGRx)
	)	
Plaintiff,	)	<b>SCHEDULING AND CASE MANAGEMENT</b>
v.	)	<b>ORDER</b>
	)	
Construction Laborers Trust	)	
Funds for Southern California	)	
Administrative Company, LLC, et	)	
al.,	)	
Defendants.	)	
_____	)	

The purpose of this Order is to notify the parties and their counsel of the deadlines and the schedule that will govern this action. SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES. Ordinarily, the dates set forth on the last page are determined after reviewing the parties' Joint Report or consultation with the parties at the Scheduling Conference. Accordingly, the dates and requirements are firm. The Court is very unlikely to grant continuances, even if stipulated to by the parties, unless the parties establish good cause through a concrete showing. **Because this Order in some respects modifies the applicable Local Rules, counsel**

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1 are advised to read it carefully to avoid default on the  
2 obligations established herein. Counsel are advised to pay  
3 particular attention to the requirements of the Court with  
4 respect to electronic filing, the filing of motions for  
5 summary judgment, and the documents to be submitted at the  
6 Pre-Trial Conference and Trial.

7 **1. ELECTRONIC FILING AND COURTESY COPIES**

8 All documents that are required to be filed in an  
9 electronic format pursuant to the Local Rules shall be filed  
10 electronically no later than 4:00 p.m. on the date due unless  
11 otherwise ordered by the Court. Any documents filed  
12 electronically after 4:00 p.m. on the date due will be  
13 considered late and may be stricken by the Court.

14 All documents filed electronically shall be filed in  
15 accordance with the Local Rule 5-4. Each PDF file shall  
16 contain no more than one document or exhibit, see Local Rule  
17 5-4.3.1, and each document or exhibit shall be meaningfully  
18 described on the docket such that the document or exhibit can  
19 be easily identified. For example, if a declaration in  
20 support of a motion appears as Docket No. 30, exhibit 1 to  
21 the declaration should be filed as Docket No. 30-1 with a  
22 description of the exhibit that includes the title of the  
23 exhibit and the exhibit number (e.g., Exhibit 1: Letter from  
24 John Doe to Jane Doe dated January 1, 2021). Exhibit 2 to  
25 the declaration should be filed as Docket No. 30-2 with a  
26 description of the exhibit which includes the title of the  
27 exhibit and exhibit number (Exhibit 2: Letter from Jane Doe  
28 to John Doe dated January 2, 2021), and so on. Any documents

1 which counsel attempt to file electronically which are  
2 improperly filed will not be accepted by the Court.

3 Counsel are ORDERED to deliver **2 copies** of all documents  
4 filed electronically to Chambers. For each document filed  
5 electronically, one copy shall be marked "CHAMBERS COPY" and  
6 the other copy shall be marked "COURTESY COPY." The  
7 "CHAMBERS COPY" and "COURTESY COPY" are collectively referred  
8 to herein as "Courtesy Copies." The Courtesy Copies of each  
9 electronically filed document must include on each page the  
10 running header created by the ECF system. In addition, on  
11 the first page of each Courtesy Copy, in the space between  
12 lines 1 - 7 to the right of the center, counsel shall include  
13 the date the document was e-filed and the document number.  
14 The Courtesy Copies shall be single-sided and shall not be  
15 blue-backed. All documents must be stapled only in the left-  
16 hand corner, the electronic proof of service must be attached  
17 as the last page of each document, and the exhibits attached  
18 to any document must be tabbed. Counsel shall not staple the  
19 "COURTESY COPY" and "CHAMBERS COPY" together. The "COURTESY  
20 COPY" and "CHAMBERS COPY" of all documents must be three-hole  
21 punched at the left margin with the oversized 13/32" hole  
22 size, not the standard 9/32" hole size. The Courtesy Copies  
23 shall be delivered to Chambers no later than 10:00 a.m. on  
24 the next business day after the document was electronically  
25 filed.

26 For any document that is not required to be filed  
27 electronically, counsel are ORDERED to deliver 1 conformed  
28 copy of the document, which shall be marked "COURTESY COPY,"

1 to Chambers **at the time of filing.** For any document or  
2 exhibit that is not required to be filed electronically,  
3 counsel shall retain a copy of that document or exhibit until  
4 all appeals have been exhausted.

5 When a proposed order or other proposed document  
6 accompanies an electronic filing, the proposed order or other  
7 proposed document shall be in PDF format and included, as an  
8 attachment, with the main electronically filed document  
9 (e.g., stipulations, applications, motions). Proposed orders  
10 or other proposed documents (such as a proposed judgment)  
11 that are not lodged with a main document shall be  
12 electronically lodged as an attachment to a Notice of  
13 Lodging; if the proposed document is being submitted in  
14 response to a court order, the filer shall link the Notice of  
15 Lodging to that court order.

16 After a document requiring a judge's signature has been  
17 lodged, a WordPerfect or Microsoft Word copy of the proposed  
18 document, along with a PDF copy of the electronically filed  
19 main document, MUST be emailed to the chambers email address,  
20 EITHER by using the "Proposed Orders" link within the CM/ECF  
21 System OR by sending a separate email with the subject line  
22 in the following format: Court's divisional office, year,  
23 case type, case number, document control number assigned to  
24 the main document at the time of filing, judge's initials,  
25 and filer (party) type and name (e.g., for Los Angeles:  
26 LA08CV00123-6-ABC-Defendant). Do not submit a proposed order  
27 twice. Failure to comply with this requirement may result in  
28 the denial or striking of the request or the Court may

1 withhold ruling on the request until the Court receives the  
2 required documents.

3 **2. DISCOVERY**

4 All discovery shall be completed by the discovery cut-off  
5 date specified on the last page of this Order. **THIS IS NOT**  
6 **THE DATE BY WHICH DISCOVERY REQUESTS MUST BE SERVED; IT IS**  
7 **THE DATE BY WHICH ALL DISCOVERY, INCLUDING EXPERT DISCOVERY,**  
8 **SHALL BE COMPLETED.** The Court does not enforce side  
9 agreements to conduct discovery beyond the discovery cut-off  
10 date.

11 Any motion challenging the adequacy of responses to  
12 discovery must be heard sufficiently in advance of the  
13 discovery cut-off date to permit the responses to be obtained  
14 before that date if the motion is granted.

15 In an effort to provide further guidance to the parties,  
16 the Court notes the following:

17 **(a) Depositions**

18 All depositions shall be scheduled to commence  
19 sufficiently in advance of the discovery cut-off date to  
20 permit their completion and to permit the deposing party  
21 enough time to bring any discovery motions concerning the  
22 deposition prior to the cut-off date.

23 **(b) Written Discovery**

24 All interrogatories, requests for production of  
25 documents, and requests for admissions shall be served  
26 sufficiently in advance of the discovery cut-off date to  
27 permit the discovering party enough time to challenge (via  
28 motion practice) responses deemed to be deficient.

1           **(c) Discovery Motions**

2           Whenever possible, the Court expects the parties to  
3 resolve discovery issues among themselves in a courteous,  
4 reasonable, and professional manner. If they do so, resort  
5 to the Court for guidance in discovery is seldom necessary.  
6 The Magistrate Judge assigned to this case will rule on  
7 discovery motions and protective orders.

8           **(d) Expert Discovery**

9           If expert witnesses are to be called at trial, the  
10 parties shall designate affirmative experts to be called at  
11 trial and shall provide reports required by Fed.R.Civ.P.  
12 26(a)(2)(B) not later than eight weeks prior to the discovery  
13 cut-off date. Rebuttal expert witnesses shall be designated  
14 and reports provided as required by Fed.R.Civ.P. 26(a)(2)(B)  
15 not later than five weeks prior to the discovery cut-off  
16 date. Any non-retained expert designated by a party as an  
17 affirmative or rebuttal expert shall also prepare and provide  
18 an expert report in the form described by Fed.R.Civ.P.  
19 26(a)(2)(B). Expert witnesses will be bound by the opinions  
20 expressed in their reports prepared in accordance with  
21 Fed.R.Civ.P. 26(a)(2)(B) and will not be permitted to offer  
22 new opinions at trial. Failure to timely comply with this  
23 deadline will result in the expert being excluded at trial as  
24 a witness.

25       **3. MOTIONS - GENERAL PROVISIONS**

26       All law and motion matters, except for motions in limine,  
27 must be set for hearing (not filed) by the motion cut-off  
28 date specified on the last page of this Order. The Court

1 will deny or strike late-filed motions. The title page of  
2 all motions must state the hearing date and time for the  
3 motion, the Pre-Trial Conference date, and the Trial date.

4 Once a party has noticed a motion for hearing on a  
5 particular date, the hearing shall not be continued without  
6 leave of Court. If the Court concludes that a motion can be  
7 resolved without argument, the Court will notify the parties  
8 in advance.

9 If counsel does not intend to oppose a motion, counsel  
10 shall immediately inform the Courtroom Deputy by e-mail and  
11 immediately file a Notice of Non-Opposition in accordance  
12 with the Local Rules. The parties should note that failure  
13 to timely respond to any motion shall be deemed by the Court  
14 as consent to the granting of the motion. See Local Rules.

15 Ex parte practice is strongly discouraged. The Court  
16 will require strict adherence to proper ex parte procedures  
17 for any ex parte application filed with the Court. See Local  
18 Rules and the Court's Standing Order.

19 **(a) Applications and Stipulations to Extend Time**

20 No application or stipulation to extend the time to file  
21 any required document or to continue any date is effective  
22 unless and until the Court approves it. Any application or  
23 stipulation to extend the time to file any required document  
24 or to continue any date must set forth the following:

25 (i) the existing due date or hearing date, as well  
26 as all dates set by the Court, including the discovery cut-  
27 off date, the Pre-Trial Conference date, and the Trial date;

28 (ii) the new dates proposed by the parties;

1 (iii) specific, concrete reasons supporting good  
2 cause for granting the extension; and

3 (iv) whether there have been prior requests for  
4 extensions by any party, and whether those requests were  
5 granted or denied by the Court.

6 The application or stipulation must be accompanied by a  
7 separate proposed order. The proposed order shall include  
8 the existing due date(s) or hearing date(s) as well as the  
9 new proposed date(s).

10 Failure to comply with the provisions of this section may  
11 result in the denial of the application or stipulation.

12 **(b) Joinder of Parties and Amendment of Pleadings**

13 The deadline for joining parties and amending pleadings  
14 is sixty days from the date of this Order. Any motions to  
15 join other parties or for leave to amend the pleadings shall  
16 be filed within twenty days of the date of this Order so that  
17 they can be heard and decided prior to the deadline.

18 In addition to the requirements of the Local Rules, all  
19 motions to amend the pleadings shall: (1) state the effect of  
20 the amendment; and (2) state the page, line number(s), and  
21 wording of any proposed change or addition of material. The  
22 parties shall file and deliver to Chambers a redlined version  
23 of the proposed amended pleading indicating all additions  
24 and/or deletions of material.

25 **(c) Withdrawal or Substitution of Counsel**

26 The Court will not grant a request for approval of  
27 substitution of counsel after an action has been set for  
28 trial unless: (1) counsel files the request using the most



1 recent version of the appropriate forms provided on the  
2 Court's website; and (2) the request is accompanied by a  
3 declaration signed by a substituting attorney indicating that  
4 such attorney has been advised of the trial date and will be  
5 prepared to proceed with trial as scheduled. Any request for  
6 substitution of counsel which is not on the proper form or is  
7 not accompanied by a declaration signed by a substituting  
8 attorney as set forth above will be denied.

9 Counsel who wish to withdraw and substitute their client  
10 *pro se* must file a regularly noticed motion to withdraw which  
11 demonstrates good cause for the request to withdraw. The  
12 Court will not consider such a motion unless: (1) the motion  
13 is accompanied by a declaration signed by the client  
14 indicating that the client consents to the withdrawal, has  
15 been advised of the time and date of trial, and will be  
16 prepared to represent themselves *pro se* on the scheduled  
17 trial date; or (2) the Court is otherwise satisfied for good  
18 cause shown that the attorney should be permitted to  
19 withdraw.

20 **4. SUMMARY JUDGMENT MOTIONS**

21 The Court will only entertain ONE summary judgment motion  
22 by a party. In the event a party believes that more than one  
23 summary judgment motion is necessary to expedite the  
24 resolution of issues in the action, the party must obtain  
25 leave of court to file more than one summary judgment motion.  
26 The Court will require strict adherence to the following  
27 requirements:

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**(a) Statement Of Uncontroverted Facts and Conclusions of  
Law and Statement of Genuine Disputes of Material  
Fact**

The Statement of Uncontroverted Facts and Conclusions of Law is to be prepared in a two column format. The left hand column should set forth the allegedly undisputed fact or conclusion or law. The right hand column should set forth the evidence that supports the factual statement or conclusion of law. The factual statements and conclusions of law should be set forth in sequentially numbered paragraphs. Each paragraph should contain a narrowly focused statement of fact or conclusion of law. Each numbered paragraph should address a single subject in as concise a manner as possible.

The opposing party's Statement of Genuine Disputes of Material Fact must track the movant's Statement of Uncontroverted Facts exactly as prepared. The document must be in two columns; the left hand column must restate the allegedly undisputed fact, and the right hand column must restate the moving party's evidence in support of the fact, and indicate either undisputed or disputed. The opposing party may dispute all or only a portion of the statement, but if disputing only a portion, must clearly indicate what part is being disputed. Where the opposing party is disputing the fact in whole or part, the opposing party must, in the right hand column, set forth the evidence controverting the fact. Where the opposing party is disputing the fact on the basis of an evidentiary objection, the party must cite to the evidence alleged to be objectionable and state the ground of

1 the objection and nothing more. Counsel are reminded that  
2 unwarranted factual denials made in the context of a Summary  
3 Judgment Motion are subject to Rule 11 sanctions. **No**  
4 **argument should be set forth in this document.**

5 The opposing party may submit additional material facts  
6 that bear on or relate to the issues raised by the movant,  
7 which shall follow the format described above for the moving  
8 party's Statement of Uncontroverted Facts. These additional  
9 facts shall follow the movant's facts, shall continue in  
10 sequentially numbered paragraphs (*i.e.*, if movant's last  
11 statement of fact was set forth in paragraph 30, then the  
12 first new fact will be set forth in paragraph 31), and the  
13 evidence that supports the new fact shall be set forth in the  
14 right hand column.

15 The moving party, together with its reply, shall file a  
16 separate document entitled "Combined Statement of Facts" that  
17 (1) restates the entirety of the opposing party's Statement  
18 of Genuine Disputes of Material Fact and (2) responds to any  
19 additional facts in the same manner and format that the  
20 opposing party must follow in responding to the Statement of  
21 Uncontroverted Facts, as described above.

22 **(b) Supporting Evidence**

23 No party should submit any evidence other than the  
24 specific items of evidence or testimony necessary to support  
25 or controvert a proposed statement of undisputed fact. Thus,  
26 for example, entire sets of interrogatory responses, or  
27 documents that do not specifically support or controvert  
28 material in the Statements should not be submitted in support

1 of or in opposition to a motion for summary judgment. Any  
2 such material will not be considered.

3 Evidence submitted in support of or in opposition to a  
4 motion for summary judgment should be submitted either by way  
5 of stipulation or as exhibits to declarations sufficient to  
6 authenticate the proffered evidence, and should not be  
7 attached to the memorandum of points and authorities. The  
8 Court will accept counsel's authentication of deposition  
9 transcripts, written discovery responses, and the receipt of  
10 documents in discovery if the fact that the document was in  
11 the opponent's possession is of independent significance.  
12 Documentary evidence as to which there is no stipulation  
13 regarding foundation must be accompanied by the testimony,  
14 either by declaration or properly authenticated deposition  
15 transcript, of a witness who can establish its authenticity.

16 All exhibits submitted in support of, and in opposition  
17 to, a motion for summary judgment shall be consecutively  
18 numbered; no two exhibits shall bear the same number. For  
19 example, if the moving party submits one declaration and one  
20 request for judicial notice, with four exhibits attached to  
21 each document, the exhibits attached to the declaration shall  
22 be marked 1 through 4, and the exhibits attached to the  
23 request for judicial notice shall be marked 5 through 8. The  
24 opposing party's exhibits shall then commence with number 9.  
25 Immediately above or below the page number on each page of an  
26 exhibit, the parties shall mark "[Party Name]'s Summary  
27 Judgment Exhibit No. \_\_\_\_".

28 All exhibits shall be separately filed on CM/ECF, and

1 each exhibit on the docket shall include a meaningful  
2 description such that the exhibit can be easily identified.  
3 For example, if a declaration in support of a motion for  
4 summary judgment appears as Docket No. 30, exhibit 1 to the  
5 declaration should be filed as Docket No. 30-1 with a  
6 description of the exhibit that includes the title of the  
7 exhibit and the exhibit number (e.g., Exhibit 1: Letter from  
8 John Doe to Jane Doe dated January 1, 2021). Exhibit 2 to  
9 the declaration should be filed as Docket No. 30-2 with a  
10 description of the exhibit which includes the title of the  
11 exhibit and exhibit number (Exhibit 2: Letter from Jane Doe  
12 to John Doe dated January 2, 2021), and so on.

13 In addition to the foregoing, any party who offers  
14 deposition testimony in support of or in opposition to a  
15 motion for summary judgment shall prepare and file a separate  
16 document for each deponent which contains only those  
17 questions and answers, and any objections made at the time of  
18 the deposition to those questions, that a party is relying on  
19 to support their motion, with a citation to the appropriate  
20 page and line number(s) in the deposition transcript.

21 The parties shall also deliver to chambers (but not file)  
22 one copy of the entire deposition transcript (single-sided  
23 condensed transcript including the word index) of each  
24 deposition referenced. The deposition transcripts shall be  
25 placed in a slant D-ring binder with each transcript  
26 separated by a tab divider on the right side and three-hole  
27 punched at the left margin with the oversized 13/32" hole  
28 size, not the standard 9/32" hole size. The deposition

1 transcript binder shall include a Table of Contents and the  
2 spine of each binder shall be labeled with its contents.

3 The Court's Courtesy Copies of all evidence in support of  
4 or in opposition to a motion for summary judgment shall be  
5 submitted in a separately bound compendium and shall include  
6 a Table of Contents. If the supporting evidence exceeds  
7 twenty-five pages, each Courtesy Copy of the supporting  
8 evidence shall be placed in a slant D-ring binder with each  
9 item of evidence separated by a tab divider on the right  
10 side. All documents contained in the binder must be three-  
11 hole punched with the oversized 13/32" hole size, not the  
12 standard 9/32" hole size. The spine of each binder shall be  
13 labeled with its contents.

14 In addition to the foregoing, the parties shall meet and  
15 confer and prepare two binders, one binder containing a joint  
16 set of all exhibits relied on by the parties in support of  
17 and in opposition to the motion for summary judgment ("Joint  
18 Exhibit Binder"), and the other binder containing a joint set  
19 of all declarations relied on by the parties in support of  
20 and in opposition to the motion for summary judgment ("Joint  
21 Declarations Binder"). The parties shall file the Joint Set  
22 of Exhibits with a cover page titled "Joint Set of Exhibits"  
23 and the Joint Set of Declarations with a cover page titled  
24 "Joint Set of Declarations" with the Reply. The parties  
25 shall also deliver to Chambers two copies of both the Joint  
26 Exhibit Binder and Joint Declarations Binder in accordance  
27 with paragraph 1 of this Order, one set of which shall be  
28 marked "CHAMBERS COPY," and the other set of which shall be

1 marked "COURTESY COPY."

2       The Joint Exhibit Binder and Joint Declarations Binder  
3 shall include a Table of Contents, and the spine of each  
4 binder shall be labeled with its contents. The Table of  
5 Contents for the Joint Exhibit Binder and Joint Declarations  
6 Binder shall specifically describe each summary judgment  
7 exhibit or declaration and include a citation to each  
8 paragraph number in the Combined Statement of Facts that  
9 refers to the exhibit or declaration (e.g. Plaintiff's  
10 Summary Judgment Exhibit No. 1 - Letter from John Doe to Jane  
11 Doe dated January 1, 2007 Re: Reasons for Jane Doe's  
12 termination) (Combined Statement of Facts Nos. 2, 8, 10). In  
13 preparing the Table of Contents, counsel should not create a  
14 new set of exhibit numbers. Counsel shall use the same  
15 exhibit numbers that were used to identify the documents in  
16 the Motion for Summary Judgment.

17       When filing the Joint Set of Exhibits and Joint Set of  
18 Declarations electronically, each exhibit or declaration  
19 shall be separately filed on CM/ECF and the description of  
20 the exhibit or declaration on the docket shall track the  
21 description of the exhibit or declaration in the Table of  
22 Contents.

23       **(c) Objections to Evidence**

24       If a party disputes a fact based in whole or in part on  
25 an evidentiary objection, the ground for the objection, as  
26 indicated above, should be stated in the Statement of Genuine  
27 Disputes of Material Fact or Combined Statement of Facts but  
28 not argued in that document. Evidentiary objections are to

1 be addressed in a separate memorandum to be filed with the  
2 opposition or reply brief of the party. This memorandum  
3 should be organized to track the paragraph numbers of the  
4 Statement of Genuine Disputes of Material Fact or Combined  
5 Statement of Facts in sequence. It should identify the  
6 specific item of evidence to which objection is made, or in  
7 the case of deposition testimony it should quote the relevant  
8 testimony, the ground for the objection, and a very brief  
9 argument with citation to authority as to why the objection  
10 is well taken. The following is an example of the format  
11 required by the Court:

12 Combined Statement of Facts Paragraph 10: Objection to  
13 the supporting deposition testimony of Jane Smith [quote  
14 testimony] at 60:1-10 on the grounds that the statement  
15 constitutes inadmissible hearsay and no exception is  
16 applicable. To the extent it is offered to prove  
17 her state of mind, it is irrelevant because her  
18 state of mind is not in issue. Fed. R. Evid. 801,  
19 802.

20 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE**  
21 **OPPONENT'S STATEMENT OF FACTS. THESE WILL BE DISREGARDED AND**  
22 **OVERRULED.**

23 **(d) The Memorandum of Points and Authorities**

24 The movant's memorandum of points and authorities should  
25 be in the usual form required under Local Rules and should  
26 contain a narrative statement of facts as to those aspects of  
27 the case that are before the Court. All facts should be  
28 supported with citations to the paragraph number in the



1 Statement of Uncontroverted Facts that supports the factual  
2 assertion and not to the underlying evidence.

3 Unless the case involves some unusual twist, the motion  
4 need only contain a brief statement of the Fed.R.Civ.P. 56  
5 standard; the Court is familiar with the Rule and with its  
6 interpretation under *Celotex* and its progeny. If at all  
7 possible, the argument should be organized to focus on the  
8 pertinent elements of the claim(s) for relief or defense(s)  
9 in issue, with the purpose of showing the existence or non-  
10 existence of a genuine issue of material fact for trial on  
11 that element of the claim or defense.

12 Likewise, the opposition memorandum of points and  
13 authorities should be in the usual form required by the Local  
14 Rules. Where the opposition memorandum sets forth facts,  
15 those facts should be supported with citations to the  
16 paragraph number in the Statement of Genuine Disputes of  
17 Material Fact and not to the underlying evidence.

18 **(e) Proposed Statement of Decision**

19 No more than two days after the deadline for filing the  
20 Reply, each party shall lodge a Proposed Statement of  
21 Decision, which shall contain a statement of the relevant  
22 facts and applicable law with citations to case law and the  
23 record. The Proposed Statement of Decision shall not exceed  
24 twenty pages and shall be in a form that would be appropriate  
25 for the Court to enter as its final order on the motion. The  
26 Proposed Statement of Decision shall be submitted to the  
27 Court in accordance with the Local Rules and shall be  
28 e-mailed in WordPerfect or Word format to the Chambers'

1 e-mail address (JFW\_Chambers@cacd.uscourts.gov) at the time  
2 of filing. Failure to lodge the Proposed Statement of  
3 Decision will result in the denial or granting of the motion.

4 **(f) Timing**

5 Parties should not wait until the motion cut-off date to  
6 bring motions for summary judgment or partial summary  
7 judgment. Early completion of non-expert discovery and  
8 filing of motions for summary judgment may eliminate or  
9 reduce the need for expensive expert depositions which are  
10 normally conducted in the last stages of discovery.

11 **Caveat: Failure of the moving party to comply with these**  
12 **procedures regarding summary judgment motions will result in**  
13 **the denial of the Motion for Summary Judgment. If a party**  
14 **fails to respond to a Motion for Summary Judgment, the Court**  
15 **will assume that the material facts as claimed and adequately**  
16 **supported by the moving party are admitted to exist without**  
17 **controversy, which will likely result in the granting of the**  
18 **Motion for Summary Judgment.**

19 **5. MOTIONS IN LIMINE**

20 The Court will only entertain a maximum of five motions  
21 in limine by a party. In the event a party believes that  
22 more than five motions in limine are necessary, the party  
23 must obtain leave of Court to file more than five motions in  
24 limine. The Court will not hear or resolve motions in limine  
25 that are disguised summary judgment motions. No application  
26 to file under seal will be granted with respect to a motion  
27 in limine or any documents submitted with the motion in  
28 limine.

1 Before filing any motion in limine, lead counsel for the  
2 parties shall confer in a good faith effort to eliminate the  
3 necessity for hearing the motion in limine or to eliminate as  
4 many of the disputes as possible. It shall be the  
5 responsibility of counsel for the moving party to arrange for  
6 this conference. The conference shall take place **in person**  
7 within ten calendar days of service upon opposing counsel of  
8 a letter requesting such conference, but in no event later  
9 than twenty-one days before the Pre-Trial Conference. Unless  
10 counsel agree otherwise, the conference shall take place at  
11 the office of the counsel for the moving party. If lead  
12 counsel are not located in the same county in the Central  
13 District, the conference may take place via video (letters  
14 and e-mail, for example, do not constitute a proper  
15 conference).

16 The moving party's letter shall identify the testimony,  
17 exhibits, or other specific matters alleged to be  
18 inadmissible and/or prejudicial, shall state briefly with  
19 respect to each such matter the moving party's position (and  
20 provide any legal authority which the moving party believes  
21 is dispositive), and shall specify the terms of the order to  
22 be sought.

23 If counsel are unable to resolve their differences, they  
24 shall prepare and file a separate, sequentially numbered  
25 Joint Motion in Limine for each issue in dispute which  
26 contains a clear caption which identifies the moving party  
27 and the nature of the dispute (e.g., "Plaintiff's Motion in  
28 Limine #1 to exclude the testimony of Defendant's expert").

1 Each Joint Motion in Limine shall consist of one document  
2 signed by all counsel. The Joint Motion in Limine shall  
3 contain a clear identification of the testimony, exhibits, or  
4 other specific matters alleged to be inadmissible and/or  
5 prejudicial and a statement of the specific prejudice that  
6 will be suffered by the moving party if the motion is not  
7 granted. The identification of the matters in dispute shall  
8 be followed by each party's contentions and each party's  
9 memorandum of points and authorities. The title page of the  
10 Joint Motion in Limine must state the Pre-Trial Conference  
11 date, hearing date for the motions in limine, and Trial date.

12 Joint Motions in Limine made for the purpose of  
13 precluding the mention or display of inadmissible and/or  
14 prejudicial matter in the presence of the jury shall be  
15 accompanied by a declaration that includes the following:  
16 (1) a clear identification of the specific matter alleged to  
17 be inadmissible and/or prejudicial; (2) a representation to  
18 the Court that the subject of the motion in limine has been  
19 discussed with opposing counsel, and that opposing counsel  
20 has either indicated that such matter will be mentioned or  
21 displayed in the presence of the jury before it is admitted  
22 in evidence or that counsel has refused to stipulate that  
23 such matter will not be mentioned or displayed in the  
24 presence of the jury unless and until it is admitted in  
25 evidence; and (3) a statement of the specific prejudice that  
26 will be suffered by the moving party if the motion in limine  
27 is not granted.

28 \\\

1 Unless ordered by the Court, no supplemental or separate  
2 memorandum of points and authorities shall be filed by either  
3 party in connection with any motion in limine.

4 The Court's Courtesy Copies of all evidence in support of  
5 or in opposition to a motion in limine, including  
6 declarations and exhibits to declarations, shall be submitted  
7 in a separately bound volume and shall include a Table of  
8 Contents. If the supporting evidence exceeds twenty-five  
9 pages, each Courtesy Copy of the supporting evidence shall be  
10 placed in a slant D-ring binder with each item of evidence  
11 separated by a tab divider on the right side, and the spine  
12 of the binder shall be labeled with its contents. All  
13 documents contained in the binder must be three-hole punched  
14 with the oversized 13/32" hole size, not the standard 9/32"  
15 hole size.

16 The Court will not consider any motion in limine in the  
17 absence of a joint motion or a declaration from counsel for  
18 the moving party establishing that opposing counsel: (a)  
19 failed to confer in a timely manner; (b) failed to provide  
20 the opposing party's portion of the joint motion in a timely  
21 manner; or (c) refused to sign and return the joint motion  
22 after the opposing party's portion was added.

23 Unless otherwise ordered by the Court, motions in limine  
24 should be filed and will be heard on the dates specified on  
25 the last page of this Order. Unless the Court in its  
26 discretion otherwise allows, no motions in limine shall be  
27 filed or heard on an ex parte basis, absent a showing of  
28 irreparable injury or prejudice not attributable to the lack

1 of diligence of the moving party.

2 The failure of any counsel to comply with or cooperate in  
3 the foregoing procedures will result in the imposition of  
4 sanctions, including a resolution of the issue against the  
5 party refusing to cooperate.

6 **6. PRE-TRIAL CONFERENCE AND LOCAL RULE 16 FILINGS**

7 **(a) General Provisions**

8 The Pre-Trial Conference ("PTC") will be held on the date  
9 specified on the last page of this Order, unless the Court  
10 expressly waived a PTC. If adjustments in the Court's  
11 calendar to accommodate congestion become necessary, the  
12 Court may re-schedule the PTC instead of the trial date.  
13 Therefore, the parties should assume that if the PTC goes  
14 forward, the trial will go forward without continuance,  
15 although some brief period of trailing may prove necessary.

16 The lead trial attorney on behalf of each party shall  
17 attend both the PTC and all meetings of the parties in  
18 preparation for the PTC, unless excused for good cause shown  
19 in advance of the PTC.

20 A continuance of the PTC at the parties' request or by  
21 stipulation is highly unlikely. **Specifically, failure to**  
22 **complete discovery is not a ground for continuance.** In the  
23 unlikely event that the Court agrees to continue the PTC, the  
24 trial date is likely to be delayed as a result. If a change  
25 in the trial date is necessitated or likely because of the  
26 Court's calendar or otherwise, modifications of that date  
27 will be discussed at the PTC.

28 At the PTC, the parties should be prepared to discuss

1 means of streamlining the trial, including, but not limited  
2 to: bifurcation; presentation of foundational and non-  
3 critical testimony and direct testimony by deposition  
4 excerpts; narrative summaries and/or stipulations as to the  
5 content of testimony; presentation of testimony on direct  
6 examination by affidavit or by declaration subject to cross-  
7 examination; and qualification of experts by admitted  
8 resumes. The Court will also discuss settlement.

9 **(b) Form of Pre-Trial Conference Order ("PTCO")**

10 The proposed PTCO shall be filed by the date specified on  
11 the last page of this Order. Adherence to this time  
12 requirement is necessary for in-chambers preparation of the  
13 matter. The PTCO shall include the date of the L.R. 16-2  
14 conference and the names of each attorney in attendance at  
15 the L.R. 16-2 conference. The form of the proposed PTCO  
16 shall comply with Appendix A to the Local Rules and the  
17 following:

18 (i) Place in "ALL CAPS" and in **bold** the separately  
19 numbered headings for each category in the PTCO (e.g., "**1.**  
20 **THE PARTIES**" or "**7. CLAIMS AND DEFENSES OF THE PARTIES**").

21 (ii) Include a Table of Contents at the beginning.

22 (iii) In specifying the surviving pleadings, state  
23 which claims or counterclaims have been dismissed or  
24 abandoned (e.g., "Plaintiff's second cause of action for  
25 breach of fiduciary duty has been dismissed."). Also, in  
26 multiple party cases where not all claims or counterclaims  
27 will be prosecuted against all remaining parties on the other  
28 side, specify to which party each claim or counterclaim

1 is directed.

2 (iv) In drafting the PTCO, the Court expects that  
3 the parties will attempt to agree on and set forth as many  
4 uncontested facts as possible. A carefully drafted and  
5 comprehensively stated stipulation of facts will assist the  
6 Court in preparing for the Pre-Trial Conference.

7 **(v) In specifying the parties' claims and defenses**  
8 **in Section 7 of the PTCO, each party shall closely follow the**  
9 **examples set forth in Appendix A of the Local Rules.**

10 (vi) The Court may submit fact issues to the jury in  
11 the form of findings on a special verdict form. The issues  
12 of fact should track the elements of a claim or defense on  
13 which the jury will be required to make findings.

14 (vii) If expert witnesses are to be called at trial,  
15 each party must list and identify its respective expert  
16 witnesses, both retained and non-retained. Failure of a  
17 party to list and identify an expert witness in the PTCO  
18 shall preclude the party from calling that expert witness at  
19 trial.

20 **(c) Rule 16 Filings; Memoranda; Witness Lists; Exhibit**  
21 **Lists**

22 The parties must comply fully with the requirements of  
23 Local Rule 16. They shall file carefully prepared Memoranda  
24 of Contentions of Fact and Law (which may also serve as the  
25 trial brief), along with their respective Witness Lists and  
26 Exhibit Lists, all in accordance with the Local Rules. See  
27 the last page of this Order for applicable dates.

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1           **(d) Summary of Witness Testimony and Time Estimates**

2           Counsel shall prepare a list of their witnesses,  
3 including a brief summary (two to three paragraphs) of each  
4 witness's expected testimony, an estimate of the length of  
5 time needed for direct examination, and whether the witness  
6 will testify by deposition or in person. Counsel shall  
7 exchange these lists with opposing counsel. **Counsel shall**  
8 **jointly file a single list of witness testimony summaries,**  
9 **including estimates for direct examination of their own**  
10 **witnesses and estimates for cross-examination of opposing**  
11 **witnesses.** The joint witness testimony summaries shall be  
12 filed at the same time counsel submit the PTCO. If a party  
13 intends to offer deposition testimony into evidence at trial,  
14 the party shall comply with the Local Rules.

15           **(e) Pre-Trial Exhibit Stipulation**

16           The parties shall prepare a Pre-Trial Exhibit Stipulation  
17 which shall contain each party's numbered list of all trial  
18 exhibits, with objections, if any, to each exhibit including  
19 the basis of the objection and the offering party's response.  
20 All exhibits to which there is no objection shall be deemed  
21 admitted. The parties shall also identify each witness they  
22 anticipate will testify about and/or lay the foundation for  
23 the exhibit. All parties shall stipulate to the authenticity  
24 of exhibits whenever possible, and the Pre-Trial Exhibit  
25 Stipulation shall identify any exhibits for which  
26 authenticity has not been stipulated to and the specific  
27 reasons for the party's failure to stipulate.

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1 The Pre-Trial Exhibit Stipulation shall be substantially  
2 in the following form:

3 Pre-Trial Exhibit Stipulation

4 Plaintiff(s)' Exhibits

5 Number Description Witness If Objection, State Grounds Response to Objection

6 Defendant(s)' Exhibits

7 Number Description Witness If Objection, State Grounds Response to Objection

8 The Pre-Trial Exhibit Stipulation shall be filed at the  
9 same time counsel file the PTCO. Failure to comply with this  
10 paragraph shall constitute a waiver of all objections.

11 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE**  
12 **OPPOSING PARTY'S EXHIBITS. THESE WILL BE DISREGARDED AND**  
13 **OVERRULED.**

14 **(f) Jury Instructions, Verdict Forms, Special**  
15 **Interrogatories**

16 Fourteen days before the required Local Rule 16-2  
17 meeting, the parties shall exchange proposed jury  
18 instructions, verdict forms, and, if necessary, special  
19 interrogatories. Seven days before the meeting, counsel  
20 shall exchange written objections, if any, to the proposed  
21 jury instructions, verdict forms, and special  
22 interrogatories. At the required meeting, lead counsel  
23 shall confer with the objective of submitting one set of  
24 agreed upon instructions, a verdict form, and, if necessary,  
25 special interrogatories.

26 If lead counsel agree upon one complete set of jury  
27 instructions, they shall file a joint set of proposed jury  
28 instructions, arranged in a logical sequence with each

1 instruction sequentially numbered, and identified as  
2 "Stipulated Instruction No. \_\_ Re \_\_\_\_\_," with the blanks  
3 filled in as appropriate. If the parties cannot agree upon  
4 one complete set of jury instructions, they shall file the  
5 following two joint documents with the Court:

6 (i) A joint set of proposed jury instructions  
7 arranged in a logical sequence with each instruction  
8 sequentially numbered. If undisputed, an instruction shall  
9 be identified as "Stipulated Instruction No. \_\_ Re \_\_\_\_\_,"  
10 with the blanks filled in as appropriate. If disputed, each  
11 alternate version of the disputed instruction shall be  
12 inserted together (back to back) in their logical place in  
13 the overall sequence. Each such disputed instruction shall  
14 be identified as "Disputed Instruction No. \_\_ Re \_\_\_\_\_  
15 Proposed By \_\_\_\_\_," with the blanks filled in as  
16 appropriate. All disputed versions of an instruction shall  
17 bear the same instruction number. If a party does not have a  
18 counter-version of an instruction and simply contends no such  
19 instruction should be given, then that party should so state  
20 (and explain why) on a separate page inserted in lieu of an  
21 alternate version; and

22 (ii) A joint memorandum of law in support of each  
23 party's disputed instructions, organized by instruction  
24 number. The joint memorandum of law shall quote the text of  
25 each disputed instruction and shall set forth each party's  
26 respective position and legal authority, immediately after  
27 the text of each disputed instruction.

28 \\\

Each proposed instruction, whether agreed upon or disputed, shall (a) be set forth in full on a separate page; (b) embrace only one subject or principle of law; (c) cite to the legal authority for or source of the instruction; and (d) reference the claim for relief to which the instruction relates with a citation to Section 7 of the PTCO.

**A Table of Contents shall be included with all jury instructions submitted to the Court.** The Table of Contents shall set forth the following:

- (i) The number of the instruction;
- (ii) A brief title of the instruction;
- (iii) Whether it is undisputed or disputed;
- (iv) The source of the instruction; and
- (v) The page number of the instruction.

For example:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page No.</u>
1	Burden of Proof (Undisputed)	9th Cir. Man. of Model Jury Instr. 5.1	5

The Court directs counsel to use the instructions from the Ninth Circuit Manual of Model Jury Instructions (West Publishing, most recent edition) where applicable. Where California law is to be applied and the above instructions are not applicable, the Court prefers counsel to use the Judicial Council of California Civil Jury Instructions ("CACI") (LexisNexis Matthew Bender, most recent edition). If neither of these sources is applicable, counsel are directed to use the instructions from O'Malley, Grenig and Lee, Federal Jury Practice and Instructions (West Group, most

1 recent edition). Any modifications made to the original form  
2 instruction from the foregoing sources (or any other form  
3 instructions) must be specifically identified, along with the  
4 authority supporting the modification. **Counsel shall not**  
5 **submit proposed preliminary instructions to be given to the**  
6 **jury prior to opening statements.**

7 If the parties agree upon a verdict form and/or special  
8 interrogatories, they shall file a joint verdict form and/or  
9 special interrogatories, with the questions arranged in a  
10 logical sequence. If the parties cannot agree upon a verdict  
11 form and/or special interrogatories, they shall file a joint  
12 document containing each party's alternative version along  
13 with a brief explanation of each party's respective position.

14 The joint set of proposed jury instructions, the joint  
15 memorandum of law, and verdict form(s) and/or special  
16 interrogatories are to be filed with the PTCO and other Local  
17 Rule 16 documents. Courtesy Copies shall be provided to the  
18 Court in accordance with Section 1 of this Order. **In**  
19 **addition, the parties shall e-mail the joint set of proposed**  
20 **jury instructions, joint memorandum of law, and verdict**  
21 **form(s) and/or special interrogatories in WordPerfect or Word**  
22 **format to the Chambers' e-mail address**  
23 **(JFW\_Chambers@cacd.uscourts.gov) at the time of filing.**

24 Immediately after the Court's final ruling on the  
25 disputed jury instructions, counsel shall file one final  
26 "clean set" of jury instructions, which shall be sent into  
27 the jury room for the jury's use during deliberations. The  
28 "clean set" shall contain only the text of each instruction

1 set forth in full on each page, with the caption "Court's  
2 Instruction No. \_\_\_\_" (eliminating supporting authority,  
3 citations to the PTCO, etc.). Counsel shall also e-mail the  
4 final "clean set" of jury instructions in WordPerfect or Word  
5 format to the Chambers' e-mail address  
6 (JFW\_Chambers@cacd.uscourts.gov) at the time of filing.

7 **Caveat: The failure of any counsel to comply with or**  
8 **cooperate in all of the foregoing procedures regarding jury**  
9 **instructions and/or verdict forms will constitute a waiver of**  
10 **all objections to the jury instructions and/or verdict form**  
11 **used by the Court or will constitute a waiver of jury trial**  
12 **and/or the striking of the jury demand.**

13 **(g) Real-Time Reporting Requirement**

14 Each party must file with the Court, at the same time  
15 counsel submit the PTCO, a document for the Court Reporter  
16 which contains proper names, unusual or scientific terms, or  
17 any foreign or uncommon words that are likely to be used by  
18 the parties during the PTC and the Trial. Each party shall  
19 also e-mail a copy of the document to the Chambers' e-mail  
20 address (JFW\_Chambers@cacd.uscourts.gov) at the time of  
21 filing.

22 **(h) Joint Statement of the Case and Requests for Voir**  
23 **Dire**

24 Three days prior to the Pre-Trial Conference, the parties  
25 shall file their proposed voir dire questions and their joint  
26 statement of the case which the Court shall read to all  
27 prospective jurors prior to the commencement of voir dire. The  
28 statement should be not longer than two or three paragraphs.

1 The Court conducts voir dire of all prospective jurors.  
2 The parties need not submit requests for standard voir dire  
3 questions, such as education, current occupation, marital  
4 status, prior jury service, etc., but should include only  
5 proposed questions specifically tailored to the parties and  
6 issues of the case.

7 **7. COURT TRIALS**

8 **(a) Declarations of Witness Direct Testimony**

9 Counsel in non-jury trials shall submit the direct  
10 testimony of their witnesses in writing in a declaration  
11 executed under penalty of perjury. These declarations shall  
12 be in admissible form with an appropriate foundation  
13 established for the declarant's statements. Paragraphs in  
14 each declaration shall be numbered consecutively to facilitate  
15 the identification of paragraphs for evidentiary objections.  
16 Any exhibits which are attached to a witness  
17 declaration shall be numbered consistently with the number of  
18 the exhibit on the Pre-Trial Exhibit Stipulation.

19 Counsel are to exchange and file these declarations at  
20 least fourteen calendar days before trial, unless otherwise  
21 ordered by the Court. Courtesy Copies shall be provided to  
22 the Court in accordance with Section 1 of this Order.  
23 Courtesy Copies shall be submitted to the Court in a slant D-  
24 ring binder with each declaration separated by a tab divider  
25 on the right side. All documents must be three-hole punched  
26 with the oversized 13/32" hole size, not the standard 9/32"  
27 hole size. The binders shall also contain a Table of Contents  
28

1 listing the declarations contained therein, and the spine of  
2 the binder shall be labeled with its contents.

3 Eight calendar days before trial, counsel may file  
4 evidentiary objections to those declarations. Counsel shall  
5 prepare a separate document for each declaration for which  
6 they have an evidentiary objection in which they shall quote  
7 the specific language from the declaration to which they  
8 object, followed by the objection and any relevant argument.  
9 Counsel shall file any reply or response to the objections by  
10 noon on the fifth calendar day before trial. Courtesy Copies  
11 shall be provided to the Court in accordance with Section 1 of  
12 this Order. **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS**  
13 **TO THE OPPOSING PARTY'S WITNESS DECLARATIONS. THESE WILL BE**  
14 **DISREGARDED AND OVERRULED.**

15 At trial, the Court will rule on the evidentiary  
16 objections and, depending upon the ruling, the declarations  
17 will be received in evidence, either in whole or in part, or  
18 rejected. Counsel will then conduct the cross-examination and  
19 re-direct examination at trial.

20 Failure to comply with the terms of this Order will  
21 result in sanctions or the Court may refuse to allow that  
22 witness to testify.

23 **(b) Trial Briefs**

24 Counsel for each party shall file and serve a trial  
25 brief, not to exceed 15 pages in length, fourteen calendar  
26 days before trial.

27 **(c) Findings of Fact and Conclusions of Law**

28 Counsel for each party shall file and serve initial proposed



1 findings of fact and conclusions of law fourteen calendar days  
2 before trial. Counsel for each party shall also e-mail a copy  
3 of their proposed findings of fact and conclusions of law to  
4 the Chambers' e-mail address  
5 (JFW\_Chambers@cacd.uscourts.gov) on the date due. Counsel for  
6 each party shall then:

- 7 (i) Underline in red the portions which it  
8 disputes;
- 9 (ii) Underline in blue the portions which it  
10 admits; and
- 11 (iii) Underline in yellow the portions which it does  
12 not dispute, but deems irrelevant.

13 Counsel may agree with a part of a finding or conclusion,  
14 disagree with a part of it, and/or consider a part of it  
15 irrelevant.

16 The marked copy of opposing counsel's proposed findings  
17 of fact and conclusions of law shall be filed with the Court  
18 and served on opposing counsel seven calendar days before  
19 trial. Courtesy Copies shall be provided to the Court in  
20 accordance with Section 1 of this Order.

21 **8. SETTLEMENT**

22 This Court will not conduct settlement conferences in  
23 non-jury cases which the Court will try unless counsel for all  
24 parties and their respective clients agree either in  
25 writing or on the record. In jury cases, the Court will  
26 conduct a settlement conference at the parties' joint request  
27 if three conditions exist:

28

1 (a) The parties are satisfied that the fact issues in  
2 the case will be tried to a jury;

3 (b) All significant pre-trial rulings which the Court  
4 must make have been made; and

5 (c) The parties desire the Court to conduct the  
6 conference, understanding that if settlement fails, the Court  
7 will preside over trial of the case.

8 The parties must file a Status Report re: Settlement at  
9 the time they lodge the Proposed Pre-Trial Conference Order.  
10 The Status Report shall include the name and phone number of  
11 the Settlement Officer who assisted the parties with their  
12 settlement conference.

13 **Caveat:** If counsel fail to cooperate in the preparation  
14 of the required Pre-Trial documents, fail to file the required  
15 Pre-Trial documents, or fail to appear at the Pre-Trial  
16 Conference and such failure is not otherwise satisfactorily  
17 explained to the Court: (a) the cause shall stand dismissed  
18 for failure to prosecute if such failure occurs on the part of  
19 the plaintiff; (b) default judgment shall be entered if such  
20 failure occurs on the part of the  
21 defendant; or (c) the Court may take such action as it deems  
22 appropriate.

23  
24 IT IS SO ORDERED.

25 DATED: June 24, 2024

26   
27 JOHN F. WALTER  
28 UNITED STATES DISTRICT JUDGE

**JUDGE JOHN F. WALTER  
SCHEDULE OF TRIAL AND PRE-TRIAL DATES**

<b>Matter</b>	<b>Time</b>	<b>Weeks before trial</b>	<b>Plaintiff(s) (Request)</b>	<b>Defendant(s) (Request)</b>	<b>Court Order</b>
<b>Trial (court)</b> Estimated length: <u>2</u> days	8:30 am				4/8/25
<b>[Jury trial] Hearing on Motions in Limine; Hearing on Disputed Jury Instructions</b>	8:00 am				X
<b>[Court trial] Hearing on Motions in Limine</b>	8:00 am				X
<b>Pre-Trial Conference (File Proposed Voir Dire Qs and Agreed-to Statement of Case three days prior to PTC)</b>	8:00 am				3/28/25
<b>Submit Pre-Trial Conf. Order; File Motions in Limine; Memo of Contentions of Fact and Law; Pre-Trial Exhibit Stipulation; Summary of Witness Testimony and Time Estimates; File Status Report re: Settlement; File Agreed Upon Set of Jury Instructions and Verdict Forms; File Joint Statement re Disputed Instructions, Verdicts, etc.</b>					3/12/25
<b>Last day for hearing motions *</b>	1:30 pm				2/24/25
<b>Discovery cut-off</b>					2/3/25

**ADDITIONAL MATTERS TO BE DETERMINED AT SCHEDULING CONFERENCE**

<b>Last day to conduct Settlement Conference/Mediation</b>					1/6/25
<b>Last day to file Joint Report re: results of Settlement Conference/Mediation</b>					1/10/25

\* Motions for class certification shall be filed within 120 days after service of a pleading purporting to commence a class action (or, if applicable, within 120 days after service of the Notice of Removal), unless otherwise ordered by the Court.